Sanctuary for Families

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Submitted via www.regulations.gov

July 15, 2020

Lauren Alder Reid, Assistant Director
OFFICE OF POLICY
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1800, Falls Church, VA 22041

OFFICE OF INFORMATION AND REGULATORY AFFAIRS
OFFICE OF MANAGEMENT AND BUDGET
725 17th Street NW, Washington, DC 20503
Attention: Desk Officer, U.S. Citizenship and Immigration Services, DHS

RE: RIN 1125-AA94 or EOIR Docket No. 18-0002, Public Comment Opposing Proposed Rules on Asylum, and Collection of Information OMB Control Number 1615-0067

Dear Assistant Director Reid:

Our organization, Sanctuary for Families (*"Sanctuary"*), submits this comment urging the Department of Justice (*"DOJ"*) and Department of Homeland Security (*"DHS,"* and together with DOJ, the *"Departments"*) to withdraw the Notice of Proposed Rulemaking (*"Proposed Rules"*) in its entirety. In this Comment, Sanctuary objects to having a shortened comment period, argues that the Proposed Rules are examples of improper regulatory overreach, and contends that the Proposed Rules are a threat to the due process the Constitution guarantees to asylum seekers. Further, Sanctuary is certain that the Proposed Rules will make it virtually impossible for populations that Sanctuary assists to prevail on a particular social group-based asylum claim. In addition, Sanctuary is concerned that the Proposed Rules dangerously redefine political opinion in contravention of long-established principles, and narrowly define persecution to alter the accepted definition of same. With respect to the attempts to change the nexus requirements, Sanctuary argues that the Departments focus their nexus restrictions not on the why, but on the group, and impermissibly

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try to limit the why by limiting the who. Also problematic to Sanctuary is the fact that the Proposed Rules redefine the internal relocation standard, despite the fact that legally, internal relocation is an affirmative defense for which the government should bear the burden of proof. For these reasons, as explained further below, the Departments should withdraw the Proposed Rules.

Sanctuary is New York State's largest dedicated service provider and advocate for survivors of domestic violence, human trafficking, and related forms of gender violence. Each year, Sanctuary provides legal, clinical, shelter, and economic empowerment services to approximately 15,000 survivors. Sanctuary's Immigration Intervention Project provides free legal assistance and direct representation to thousands of immigrant survivors every year in a broad range of humanitarian immigration matters, including asylum, special rule cancellation of removal, Special Immigrant Juvenile Status, Violence Against Women Act (*"VAWA"*) self-petitions, and petitions for U and T nonimmigrant status. In addition, Sanctuary provides training on domestic violence and trafficking to community advocates, *pro bono* attorneys, law students, service providers, and the judiciary, and plays a leading role in advocating for legislative and public policy changes that further the rights and protections afforded to survivors and their children.

For many of Sanctuary's clients, the fear and anxiety that accompanies being undocumented inhibits any ability to begin the process of healing from the trauma endured while in their home country. It is once they are granted a permanent status like asylum that they are able to begin the long process of healing.

Ms. N-J-, a Georgian woman who survived years of horrific physical and sexual abuse after being kidnapped and forced into marriage with her abductor, was granted asylum with Sanctuary's help in 2019. When she first came to Sanctuary, she was suffering from depression and PTSD as a result of the trauma she had endured. She was constantly looking over her shoulder, terrified that her abuser would track her down and force her to return to Georgia. With her asylum grant, she immediately felt safer and her demeanor shifted. Shielded by her new legal status, she knew that should her abuser reappear she would be able to seek protection from his violence. Now, she has settled into her life here in New York and is able to live free of the constant fear that plagued her prior to her asylum grant. With Sanctuary's help, she has

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begun the process of applying to bring her daughter, who she was forced to leave behind in Georgia when she fled for her life, to live with her here in the United States. The safety and security promised by asylum has allowed her to enter a new stage in her life that will not be defined by the abuse she was forced to suffer for so many years.

For C-S-, a Russian gender-nonconforming individual who won asylum with Sanctuary's help, life in the United States has been characterized by the ability to finally examine and express their identity with honesty. With the safety they have found here, they have begun to dress in the manner that makes them most comfortable and move about in the world without fearing retaliation. They have been attending support groups intended specifically for Russian LGBTQ individuals and have begun to better understand their own gender identity. The safety conferred by asylum has allowed C-S- to begin the process of healing from the trauma of their life in Russia and to actually take the time to settle in and explore their own identity free of fear.

In the case of Ms. R-O-G-, a Guatemalan woman who fled her tremendously abusive partner, asylum meant the promise of a future of safety not only for herself but for her son as well. Since she was granted asylum, Ms. R-O-G- and her son have been living safely in New York free from fears of being forced to return to Guatemala and the abuser who awaited them there. They have had the opportunity to seek out counseling services and begin the long process of healing from the abuse they both endured for so many years. Ms. R-O-G-'s son is 16 and is enrolled in school here in the United States. He hopes to someday become a teacher. His mother's asylum grant has ensured not only her safety but also his. These examples show just a few of the lives that have relied on the well-established asylum standards, which were designed to make America a haven for those who have fled violence and persecution, and who would have been excluded if the Proposed Rules were in effect.

Because the Proposed Rules cover so many topics, we are not able to comment on every proposed change. The fact that we have not discussed a particular change to the law in no way means that we agree with it—we oppose these regulations in their entirety and call upon the Departments to withdraw them. That being said, this Comment is divided into two main sections: one addressing general issues with the

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Proposed Rules as a whole, and one addressing specific issues with particular parts of the Proposed Rules.

I. GLOBAL COMMENTS

A. Objection to the Shortened Comment Period

The Proposed Rules seek to to rewrite laws adopted by Congress and, if implemented, would constitute the most sweeping changes to asylum since the 1996 overhaul of the Immigration and Nationality Act, by the Illegal Immigration Reform and Immigration Responsibility Act. The Notice of Proposed Rulemaking is over 160 pages long, and the Proposed Rules make up 60 of those pages. The Proposed Rules consist of dense, technical language and expansive new restrictions that carry huge weight which for some, will be the decider of life and death. Given all this, a single section of the Proposed Rules, standing alone, would merit 60 days for the public to fully absorb the magnitude of the proposed changes and its implications, research the existing rule and its interpretation, and respond thoughtfully. The Departments' kitchen-sink approach cannot be fairly addressed in 30 days, much less 30 days in the middle of the COVID-19 global pandemic.

It goes without saying that COVID-19 is a serious health concern. The World Health Organization has declared it to be a pandemic. On March 7, 2020, New York Governor Cuomo declared a state of emergency for New York State; on March 12, 2020, New York City Mayor De Blasio declared a state of emergency for New York City; and on March 13, 2020, President Trump declared a national emergency.

Sanctuary is based in New York City and serves clients in the city, which has been an epicenter of the COVID-19 pandemic. *See* CNN, Why New York is the epicenter of the American coronavirus outbreak (March 26, 2020). For three months, the entire state of New York was under a lockdown order announced by Governor Cuomo, prohibiting nonessential businesses from requiring staff to travel and prohibiting nonessential businesses from remaining open to the public. *See* New York State Government, Governor Cuomo Signs the 'New York State on PAUSE' Executive Order (March 20, 2020). Sanctuary discouraged and continues to discourage attending any in-person large-group meetings and postponed all in-person large-group meetings that it controls. All staff in the legal department have been working remotely

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since the lockdown order went into effect, with limited access to sufficient technology and equipment necessary to respond to this Comment in a timely manner.

Instead of focusing on addressing the challenges the COVID-19 pandemic has wrought on the immigration system and attempting to ensure the health and safety of those affected by their policies, the Departments have insisted on forcing through these sweeping and harmful regulations through the rulemaking process. The artificial and arbitrary timing does little to mask the administration's political motivation behind these regulations: to demolish the asylum system in way that is consistent with this administration's campaign rhetoric. Good, thoughtful regulations require appropriate time for impacted stakeholders to review and digest, which should not be cast aside in favor of appeasing a xenophobic base.

B. Regulatory Overreach—Changes, If Any, Should Come from the Legislature

The branches of government are separate for a reason: to provide checks and balances, and to insulate the inner workings of practical government functions from the whims of the respective branches. This means that Congress, vested by the Constitution with the power to make laws, is the only branch that may pass and enact statutes. While Sanctuary agrees that comprehensive immigration reform is needed, any such large-scale reform must come from Congress. Any other method for passing sweeping reform would constitute administrative overreach; the Supreme Court has emphasized consistently that an agency's authority "to prescribe rules and regulations [to administer a statute] … is not the power to make law … but the power to adopt regulations to carry into effect the will of Congress as expressed by the statute." *Manhattan Gen. Equip. Co. v. Comm'r*, 297 U.S. 129, 134 (1936).

While the Departments are indeed accorded the authority to interpret regulations, such interpretation is bound by the strictures of federal law, including the Administrative Procedures Act (*"APA"*), and with the understanding that the Departments may only provide guidance to help make undefined terms clear where needed, not change the meaning of Congress' laws. Notably, the APA directs courts to hold unlawful and set aside agency action, findings, and conclusions found

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to be, among other things, arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; or in excess of statutory jurisdiction, authority, or limitations, or short of statutory right. *See* 5 U.S.C. § 706. Administrative agencies like the Departments must be mindful of these limitations in issuing regulations. Here, however, instead of using their power to interpret the laws, these Proposed Rules reflect an attempt by the Departments to re-write immigration laws, a function delegated only to Congress and not to federal agencies.

For example, the Proposed Rules contain a "nonexhaustive" list of characteristics that would be insufficient to establish a particular social group (*"PSG"*). The practical impact of requiring that the asylum adjudicator adhere to such a list would result in the elimination of a number of well-accepted and meritorious types of asylum claims, as discussed further below. The Departments cannot by regulation issue blank orders cancelling asylum eligibility for whole categories of people. Congress is the only entity that can create categorical bans on asylum, and in fact, has already done so. *See* INA § 208(b)(2). This new "nonexhaustive" list is therefore duplicative and confusing, and attempts to usurp Congressional power.

This overreach is particularly evident in the context of well-established case law that the Proposed Rules purports to overturn. With respect to each of the cases to which the Departments cite, Congress could have passed or amended different statutes, any of which would have signaled its disapproval with the courts' interpretations of the law. The fact that such a thing has not happened signals that Congress did not intend to amend the law in such a way and is not then reason for the Departments to usurp that power.

C. Due Process Concerns

It is well established that a noncitizen in civil deportation proceedings has the constitutional right under the Fifth Amendment Due Process Clause to a fundamentally fair hearing. *Dakane v. U.S. Att'y Gen.*, 399 F.3d 1269, 1273 (11th Cir. 2005); *see also Borges v. Gonzales*, 402 F.3d 398, 408 (3d Cir. 2005) ("The Fifth Amendment entitles aliens to due process of law in deportation proceedings."). However, the Proposed Rules introduce many changes that impinge on these due process rights. First, the expansion of pretermitting would

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deny individuals, particularly those without legal representation, the ability to have a full evidentiary hearing as required by the Due Process Clause of the Constitution. Second, considering practical considerations regarding page limits and access to legal resources, requiring that all PSGs be articulated before the immigration judge lest waived forever deprives immigrants of the ability to present their complete argument for asylum eligibility. Third, the newly proposed exactness requirements for PSGs would rob applicants of the ability to present later viable arguments about their eligibility for asylum even if they have received ineffective assistance of counsel. Lastly, broadening the standard for "frivolous" asylum applications—in contravention of longstanding legal precedent—would result in permanently foreclosing immigration relief for valid asylum seekers and applicants for other immigration relief, which also raises due process concerns.

1. *The Expansion of Pretermitting Violates Due Process*

The newly-proposed 8 C.F.R. § 1208.13 attempts to deprive asylum seekers of their day in court by allowing for judges to 'pretermit' asylum claims. This is an attempt to codify *Matter of E-F-H-L-*, wherein then-Attorney General Sessions asserted that immigration judges may dismiss, without holding an evidentiary hearing, applications for asylum and withholding of removal for which the applicants are not *prima facie* eligible.

Codifying the *Matter of E-F-H-L-* decision in a way that extends its holding to facts beyond those in the case itself raises serious Fifth Amendment Due Process concerns. To begin with, the respondent in *E-F-H-L* was represented by counsel and had filed not just an application and evidence, but also a prehearing brief. As the Board of Immigration Appeals (*"BIA"*) acknowledges in its decision, the respondent was provided sufficient opportunity to establish his claim but failed (at least in the immigration judge's assessment) to do so. In contrast, a large number of asylum claims are filed by: unrepresented applicants; applicants who do not speak, read or write English fluently; applicants who do not understand and are not advised about the complexity of proving asylum eligibility; and/or applicants who are ineffectively advised by unscrupulous lawyers or representatives about the merits of their claim to asylum. In such cases, a summary determination would be completely inappropriate and inconsistent with

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the BIA's own analysis in *E-F-H-L*. Where applicants file for asylum *pro se* without the aid of counsel, it is the duty not only of the applicant, but also of the immigration judge to develop the record in order to assure that the applicant's claim is fully and fairly heard, which generally requires an evidentiary hearing. *See, e.g.*, *Rosales v. Bureau of Immigr. & Customs Enf't*, 426 F.3d 733, 736 (5th Cir. 2005) ("[D]ue process requires that deportation hearings be fundamentally fair...."); *Brown v. Ashcroft*, 360 F.3d 346, 350 (2d Cir. 2004) ("The right ... under the Fifth Amendment to due process of law in deportation proceedings is well established."). Awarding such broad authority to immigration judges to pretermit asylum cases based simply on applications that do not appear *prima facie* eligible has no basis in established asylum legal precedent and deprives asylum applicants of the due process rights guaranteed to them by the Constitution.

Furthermore, taken together with the Proposed Rules restricting the list of acceptable PSGs, this rule on pretermission erodes the due process rights of even those asylum applicants who might be adequately represented. As explained further below, the Departments have limited the list of acceptable PSGs and purport to allow exceptions under "rare circumstances." However, if there is to be a case-by-case determination about what indeed constitutes "rare circumstances" as the Department suggests, pretermitting a case without an evidentiary hearing would eliminate the ability of the judge to hear the immigrant's story to even know whether a rare circumstance has presented itself. Thus, an immigrant with a completely meritorious claim could be wrongfully deported.

For many Sanctuary clients, the opportunity to testify is central to their ability to present their asylum claim. Often, because of the type of persecution they have suffered, the power of their persecutor within their community, and the failure of their governmental institutions to respond to and document the harm reported, most asylum seekers Sanctuary represents face insurmountable challenges in obtaining evidence documenting the persecution they suffered in the countries from which they fled. For so many of these asylum clients, the lack of an opportunity to present live testimony and witnesses to address the complex facts and nuances of their case raises serious due process questions. Take, for example, Sanctuary's client Ms. O-T-, a Honduran woman who testified before a judge at the New York Immigration Court in the fall of 2019. As a young woman from a rural village in Guatemala who was

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removed from school at the age of 9 years old and who spoke little Spanish and no English, her *pro se* I-589 application demonstrated little to no understanding of the legal framework underlying her valid claim for asylum, let alone the type of evidence supportive of her claim. However, with the help of Sanctuary counsel retained a month before her individual hearing, Ms. O-T- was able to testify to the court not just about the severity of the harm she experienced at the hands of her husband, but also about the many ways her individual actions expressing independence from both her husband and the patriarchal community increased the violence and threats to her body and her life. For the first time since entering the United States and asking for asylum protection, Ms. O-T- felt liberated to tell her story simply and directly. Her testimony—sincere and succinct, and punctuated by moments of emotional release—served to assist the judge in ascertaining not just the factual elements underlying her claim for asylum but also her credibility as a witness. Even the government's cross-examination of her testimony served to strengthen her claim as she further clarified some of the more complicated aspects of her experience as a survivor. The court's ultimate finding—that this young woman was persecuted by her partner because of her feminist political opinion—would have been impossible under the Proposed Rules that allow the pretermission of an asylum application that does not on its face present a legally cognizable claim for asylum.

Ms. O-T-'s experience in immigration court is not unique, but rather is representative of a large majority of Sanctuary clients who are only able to fully present their claim for asylum for the first time when empowered to do so in an oral format, rather than through the written structures of their affidavits.

In addition, as the Departments well know, many individuals with valid and meritorious T-Visa, U-Visa or VAWA petitions, for example, may be placed into removal proceedings. In many of those cases, immigration judges are empowered to grant continuances for good cause related to a pending USCIS application. *See* 8 C.F.R. § 1003.29. However, pretermission and the related rule expanded the standard for frivolousness would permanently deprive the applicant the opportunity to even raise the issue of collateral relief such that the applicant might continue her removal case to file a petition for collateral relief and await its adjudication before USCIS. Instead, such individual would be ordered

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deported before the possibility of this additional relief were ever brought to the court's attention.

In the case of a Sanctuary client who was ultimately granted a T-Visa, a previously filed fraudulent asylum claim would have rendered her ineligible for relief under the Proposed Rules. While in an abusive relationship, the client sought out an immigration attorney in the hopes that by pursuing a path to lawful residence, she would be able to regain her independence from her abusive partner. However, the immigration attorney from whom she sought assistance defrauded her with promises of a "10-year visa" and, unbeknownst to her, filed for asylum in her name. This claim, which was filed without her knowledge or consent by an immigration attorney who has since been disbarred, would have prevented her from accessing the relief for which she, as a victim of trafficking, was eligible.

2. *The PSG Exactness Requirements Violate Due Process*

The Proposed Rules would also make it mandatory for a person to "first articulate on the record, or provide[] a basis on the record for determining, the definition and boundaries of the alleged particular social group." This formulation significantly impedes the ability of unrepresented individuals to successfully articulate and present a winnable asylum case, regardless of the actual merits of their claim. Unlike in criminal cases, immigrants facing deportation or seeking asylum are not entitled to a lawyer, and because of severe limitations in access to legal aid and the capacities of non-profit organizations like Sanctuary, many asylum seekers are forced to present their asylum case with no legal assistance.

Without access to counsel, a *pro se* applicant must develop her own legal arguments for relief eligibility, gather evidence that is often located in her country of origin and accessible only there, complete application forms and court filings in English, and present a thorough and compelling case to the Immigration Judge. This process can be particularly difficult for applicants whose native language is not English, as well as for applicants who are suffering from physical and/or psychological harm. *See* Exec. Office for Immigration Review, FY 2018 Statistics Yearbook at E-1, Figure 9 (2018) (noting the exceptionally low number of asylum seekers who speak English). This challenge is

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exacerbated in immigration detention facilities where it is extremely difficult for detained *pro se* applicants to learn about possible claims for relief because the law libraries at detention facilities often have inadequate legal resources that are not up-to-date and have not been translated into the immigrant's native language. Without simultaneously ensuring either a universal right to counsel or better legal resources that are available in the immigrant's native language, the idea that such a bar should exist is untenable.

For many of Sanctuary's asylum clients, an understanding of the client's story and life, such that one might begin to understand the basis for their persecution as the result of belonging to a particular social group, can take many months of dedicated and time-intensive meetings and interviews. For example, Sanctuary began representing Ms. E-L-, a woman from Honduras, in her asylum claim, which was initially focused on severe domestic violence. After working with Ms. E-L- for several months, her Sanctuary attorney realized only weeks before the individual hearing that the client could claim membership in more PSGs than had been laid out in the original submission. As Ms. E-L-'s trust in her attorney grew, and she gained a better understanding of asylum protections, she opened up about a deeper layer of harm and violence she suffered in Honduras: she had been diagnosed as HIV positive and, because of this, experienced significant abuse and mistreatment. She further disclosed that because of her HIV status and her Garifuna racial identity, doctors at a government-run hospital performed reproductive sterilization surgery without her informed consent in the immediate aftermath of her child's birth. Upon learning these facts, Ms. E-L-'s attorney worked rapidly to amend her I-589 and legal briefing. The expectation that any applicant filing for asylum based on similar facts would be able to articulate a complicated PSG – based on not just racial identity but also HIV status—with no assistance from trusted and competent counsel is completely preposterous. Implementing rules based on an assumption that an ordinary asylum seeker might advance such complex legal theories of asylum would undoubtedly result in the denial of asylum protection to countless bona fide asylum seekers.

There are also practical problems with the exactness requirements. On February 20, 2020, EOIR updated its Immigration Court Practice Manual to limit the body of a prehearing brief to 25 pages or less. In some immigration courts, the judges also impose even stricter page limits, and ask that briefs before them be limited to 15 or 20 pages.

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The Proposed Rules thus create a tension between the space in which arguments can be made in light of the requirement that all arguments must be included lest they be waived. It is unfair to have a system that imposes such dire consequences for failure to include arguments, yet also inflexibly caps the number of pages in which those arguments can be made.

3. *Triggering a Waiver of PSGs in the Context of Ineffective Assistance of Counsel Is a Violation of Due Process*

The Proposed Rules additionally offer no exception to waiver of PSGs where an asylum applicant has received ineffective assistance of counsel, which, we argue is also violation of due process. It has been long held that noncitizens facing removal from the United States must be afforded a fundamentally fair hearing where an immigrant has the ability to be represented by counsel. *See, e.g.*, *Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005) ("The right to counsel in immigration proceedings is rooted in the Due Process Clause."). Further, many courts have held that access to counsel and the right to seek a remedy when counsel does not provide effective assistance are critical elements of a fair hearing. *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988); *see also Hernandez-Mendoza v. Gonzales*, 537 F.3d 976, 978 (9th Cir. 2007); *Hernandez v. Reno*, 238 F.3d 50, 55–56 (1st Cir. 2001); *Rabiu v. INS*, 41 F.3d 879, 882–83 (2d Cir. 1994).

The remedy for ineffective assistance is to put the individual back in the position they would have been in when the ineffective counsel was retained. Generally, "[t]he only way to cure the ... defect in the original hearing is to afford [petitioner] not only a new hearing, but also a hearing in which counsel may protect [petitioner's] rights to the same extent that the attorney would have in the first hearing." *See, e.g., Castillo-Perez v. INS*, 212 F.3d 518, 528 (9th Cir. 2000); *Batanic v. INS*, 12 F.3d 662, 667 (7th Cir. 1993). That means that under the Constitution, an immigration adjudicator may not limit the acceptable PSGs to those that were argued by ineffective counsel. An applicant for asylum can and should have the right to argue additional PSGs such that the applicant is allowed the same protections she would have had if counsel had been effective. Thus, a waiver in these cases would be unconstitutional.

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4. *Frivolousness Provisions Deny Immigrants Their Day in Court*

The Immigration and Naturalization Act (*"INA"*) has long imposed grave consequences when an immigration judge determines an asylum application is "frivolous": not only is the instant application automatically denied, the individual is rendered *permanently* ineligible for asylum benefits. INA § 208(d)(6). A four-part test laid down by the BIA in 2007 requires that a finding of frivolity be entered only if: (1) the applicant has received notice of the consequences of the finding; (2) the judge has found the frivolity was knowing; (3) a material element of the claim was deliberately fabricated; and (4) the applicant has been given a sufficient opportunity to account for discrepancies or implausibilities in the claim. *Matter of Y-L-*, 24 I&N Dec. 151 (BIA 2007).

The Proposed Rules would drastically lower the bar for findings of frivolous applications, subjecting a broad swath of asylum seekers to summary denials, including in cases where the adjudicator simply determined that the claim is without merit. The Proposed Rules removes the existing requirements that a fabrication be "deliberate" and "material" and replaces these long-established legal concepts with vague substitute that would confound adjudicators and spur legal battle. These rules would encourage adjudicators to enter a finding of frivolity for applications submitted "without regards to the merit" or "clearly foreclosed by applicable law," and strike the requirement that asylum seekers be provided with the opportunity to explain any discrepancy or inconsistency in their submissions or arguments.

In essence, the Proposed Rules overturn the safeguards provided by the BIA in Matter of Y-L- and add vague, irrelevant and punitive grounds for frivolity findings, made all the more dangerous by the complex and rapidly evolving nature of U.S. asylum law. The proposal will inevitably result in findings of frivolity for asylum seekers regardless of the validity or truthfulness of their claims, raising considerable concerns under the Due Process Clause.

To illustrate the gravity of this proposed rule, take Ms. M-K-, a Sanctuary client. Ms. M-K- is an Indian woman who survived years of physical, emotional, and sexual abuse at the hands of her husband. Her abusive husband forced her, by threat of violence, file an asylum claim containing several falsehoods. At the time of signing the asylum

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application, there was no translator present to assist Ms. M-K-, and the contents of the document had not been explained to her. All she knew at the time was that if she did not sign, her husband would beat her. Upon obtaining legal counsel from Sanctuary and after beginning to understand the assertions made in the original I-589 filing, Ms. M-K- chose to notify the asylum office of the misrepresentations and correct the application to reflect the true version of her fear to return to India (which included significant gender-based harm relating to her status as a wife and the mother of a daughter in India). Ms. M-K-'s asylum application was eventually granted by the asylum office in 2019 based on the updated, true account of the harm she suffered in India and her fear of returning. However, had the Proposed Rules regarding the lowered standard for a finding of frivolousness been in effect at the time, Ms. M-K- would have found herself unable to overcome a finding of frivolousness attendant on her original fraudulent asylum request, even as she actively sought to correct the contents of an application she had not understood and that she had signed under duress.

II. SPECIFIC COMMENTS

A. 8 CFR § 208.1(c); 8 CFR § 1208.1(c)—The Proposed Rules Will Make It Virtually Impossible to Prevail on a Particular Social Group Claim

The Proposed Rules suggest three broad changes to the concept of PSGs. The first is an attempt to codify post-*Acosta* BIA precedent that has not been adopted uniformly by the federal circuits. These changes are not well founded in the law of asylum. Moreover, the Proposed Rules set unrealistic expectations and ignore the realities of those fleeing domestic or gender-based violence. The practical implications of this section of the rule would mean the exclusion of countless individuals because of lack of access to resources in their home country. Lastly, the Proposed Rules contain exceptions that would swallow the legal standard of PSGs. Because of these various objections, the Proposed Rules should be withdrawn.

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1. *The Proposed Rules' Attempt at Codifying Post-*Acosta *Law Is Legally Improper and Unfounded*

The Departments correctly note that the term "particular social group" has been left up to interpretation by the judiciary, given that Congress did not define the term in the INA. However, the Departments incorrectly state the proper test for PSGs and suggest additional elements that represent departures from current well-settled asylum law. The BIA, in *Matter of Acosta*, set forth the long-standing rule that "individuals seeking asylum on account of a particular social group must demonstrate that the social group is comprised of individuals who have a "common, immutable characteristic." *Matter of Acosta*, 19 I&N Dec. 211, 212 (BIA 1985). Furthermore, the BIA instructed that this characteristic is one that the group either cannot change or should not be required to change because it is fundamental. *Id.*

Instead of applying the *Acosta* standard, employed by every federal circuit court in the United States, the Proposed Rules seek to codify post-*Acosta* BIA rulings on the definition of a PSG. The Departments cite to three BIA decisions as support for a new three-part test for PSG, namely that the group must be "(1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question." *Matter of M-E-V-G-*, 26 I&N Dec. 227, 237 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208, 212–18 (BIA 2014). The Proposed Rules take the liberty of incorporating two additional grounds from *Matter of A-B-*: (1) that the particular social group must have existed independently of the alleged persecutory acts and (2) that it cannot be defined exclusively by the alleged harm. *Matter of A-B-,* 27 I&N Dec. 316, 334 (A.G. 2018). The BIA decisions to which the Departments cite to support this new test, however, did not overrule federal circuit precedent. Therefore, this test represents a departure and a deviation from well-established case law.

More specifically, the Departments attempt to justify adding these requirements by citing to *Nat'l Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 982 (2005). However, that reliance is misplaced. *Brand X* does not permit agencies to supersede precedent with unreasonable interpretations. There is clear evidence that these

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interpretations would be unreasonable, namely in the federal court decisions that have said as much.

The interpretations in the Proposed Rules have been soundly rejected by federal circuit courts like the Seventh, Third, and Ninth Circuits. *See Gatimi v. Holder*, 578 F.3d 611, 615–16 (7th Cir. 2009) (rejecting the BIA's social visibility test); *Cece v. Holder*, 733 F.3d at 662, 673–74 (7th Cir. 2013) (rejecting breadth (particularity) as a bar to a particular social group); *Valdiviezo-Galdamez v. Att'y Gen. of U.S.*, 663 F.3d 582, 608 (3d Cir. 2011) (rejecting social visibility); *Henriquez-Rivas v. Holder*, 707 F.3d 1081, 1088, 1090–91 (9th Cir. 2013). Where the BIA declines to follow binding circuit precedent within a federal circuit, it must explicitly say so in a published decision. *See, e.g., Matter of Douglas*, 26 I&N Dec. 197, 201 (BIA 2013). Since the BIA did not purport to overrule federal circuit court precedent when it issued *M-E-V-G-* and *W-G-R-*, the rejection by the federal circuits of the additional requirements of social distinction and particularity requirements is proper.

The Seventh Circuit, for example, has issued numerous precedential decisions since *M-E-V-G-* and *W-G-R-* that have discussed membership in a particular social group, and none of these decisions have referenced the BIA's new requirements set forth *supra*. All have reaffirmed the *Acosta* definition of particular social group as established in *Cece*. *Salgado Gutierrez v. Lynch*, 834 F.3d 800, 805 (7th Cir. 2016) (rejecting breadth and homogeneity as requirements for establishing a particular social group); *Lozano-Zuniga v. Lynch*, 832 F.3d 822, 827 (7th Cir. 2016) ("This circuit defines social group as a group 'whose membership is defined by a characteristic that is either immutable or is so fundamental to individual identity or conscience that a person ought not be required to change.'"); *W.G.A. v. Sessions*, 900 F.3d at 957, 964 n.4 (7th Cir. 2019) (noting that the reasonableness of the BIA's clarified particular social group definition in *M-E-V-G-* remains an open question and that petitioner's arguments that the BIA's interpretation is unreasonable "have some force.").

With this backdrop, it is abundantly clear that the attempt at codifying post-*Acosta* BIA precedent is mistaken. The additional requirements have been rejected by courts as unreasonable interpretations of the INA and, as a consequence, they have no place in these Proposed Rules.

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2. *The Proposed Rules Roll Back Decades of Progress Regarding Domestic and Gender-Based Violence*

Additionally, under the Proposed Rules, PSGs cannot be based on "interpersonal disputes" and/or "private criminal acts" "of which governmental authorities were unaware or uninvolved," with exceptions in "rare circumstances." First, this attack on the PSGs represents a conflation of the issue as to what constitutes a PSG and whether someone who belongs to this PSG was persecuted by an actor that the government was unwilling or unable to control, as is required under asylum law.

Additionally, this formulation is not only dangerous but inconsistent with basic tenets of asylum law. In fact, the current version of 12 C.F.R. § 1208 clearly illustrates that asylum law has always accounted for the fact that many *bona fide* refugees—women fleeing female genital mutilation, gay men escaping persecution on account of their sexual orientation, religious minorities who fear harm by members of the majority religion—fled or fear harm by non-state actors and cannot avail themselves of government protection.

Relying so heavily on the notion of private criminal acts, Proposed Rules' new, misguided formulation of PSGs would roll back decades of U.S. policy and progress regarding domestic and gender-based violence. Before the Family Violence Prevention and Services Act and the Violence Against Women Act (VAWA) were passed, domestic violence in the United States was dismissed as a private family matter, meant to stay behind closed doors with victims suffering in silence. The police would not intervene and, for decades, women suffered under abusive fathers, boyfriends, husbands, and other partners. The Proposed Rules' retrogressive framing of family violence as a "personal dispute," even when an asylum seeker can document that it is severe, pervasive, and widely tolerated by authorities and others in her country, runs afoul of the United States' own domestic laws and policies.

Nonetheless, in framing PSGs as necessarily excluding "private criminal acts" and "interpersonal disputes, the Proposed Rules fail to consider the systemic way in which the government might fail to protect a victim and thus participate directly in persecution of the asylum seeker.

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The Department deliberately ignores the fact that in many countries, prosecutors refuse to bring charges against abusive partners, that reporting gender-based violence can in and of itself be life-threatening because of retribution, and that law enforcement may have personal relationships with perpetrators. What the Departments also do not consider is that requiring reporting means that survivors need the time, ability, and resources to do so. Many countries have no safe places for abused women to go. For example, in Mexico, shelter funding has been slashed, and many areas have police stations that are accessible only by incredibly poor roads which the survivor may not have the means to traverse. *See* TheGlobalEconomy.com, Roads Quality – Country rankings (2019). In addition, according to the World Bank, 29% of countries do not have laws on the books regarding domestic violence, and for two in three countries, unmarried intimate partners are not protected under the law. *See* Paula Tavares and Quentin Wodon, Global and Regional Trends in Women's Legal Protection Against Domestic Violence and Sexual Harrassment (March 2018). Broad assumptions about what survivors of domestic or gender-based violence can do in their situations shows that the Departments do not understand reality or the decades of research about what it takes to leave an abuser: the same research that is the underpinning of U.S. law and policy around domestic and gender-based violence.

Sanctuary has represented numerous clients who have tried to report abuse to the police, and who found that the police not only were unable to provide them with protection, but instead exacerbated the danger to the them by allowing for and sometimes even encouraging an escalation of the abuse. For example, in the case of a Honduran client, the local governing authority to whom she had reported her abuser summoned the man into their offices for a meeting with the woman present and simply asked him to stop beating and raping his wife. The governmental board took no written complaint, drafted no report, and called in no law enforcement assistance to protect the woman. Because of the governmental board's harmful actions (in notifying the abuser about his partner's complaint) coupled with their complete failure to provide her any meaningful protection from her partner's violence), our client was beaten even more savagely by her abusive partner immediately following the meeting with the governmental authority. Sanctuary's client, as a result, learned of the danger in reporting such violence to the government and never attempted again to report the abuse she suffered to law enforcement.

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Another Honduran woman represented by Sanctuary who tried to report her abuser to the police faced similar results. Fearing for her life, she called the police during a particularly extreme incident of abuse. After their arrival several hours later, the police arrested her partner, but released him only hours later, allowing him to go free before she could even get to the police precinct to file a report. After she was refused the provision of an official police report documenting her complaint, she returned home, only to find her abusive partner waiting for her and taunting her by saying that the police would never protect her from him. On a second attempt to seek help from the police, despite the failure of her first police complaint, the asylum client was specifically told that she had no rights and that she would receive no help for herself or for her children.

Yet another Sanctuary client who sought help from the police—this one an Indian woman who had been the victim of abuse at the hands of her husband and his family for many years—encountered a law enforcement agency who, upon recognizing her husband as a member of a politically well-connected family, refused to help her or to write any sort of report acknowledging the abuse or document her attempt to seek protection.

As these examples illustrate, the Departments' attempt to characterize such violence as simply a matter of an interpersonal dispute or a private criminal act completely ignores the reality of the scope of the government's involvement in such instances of domestic violence.

3. *Exceptions to the Proposed Rules Swallow the Proposed Rules*

In light of the above, it becomes evident that the Proposed Rules represent a calculated attack on those fleeing domestic violence or gender-based violence. For example, based on the new regulations, a claim for asylum based on feminine genital mutilation or cutting (*"FGM/C"*) would be obliterated as a private criminal act or interpersonal dispute—no government actor is usually involved in such cases. *See Agbor v. Gonzales*, 487 F.3d 499, 502 (7th Cir. 2007) (women who fear they will be victims of FGM/C perpetrated by family); *In re Kasinga*, 21 I&N Dec. 357 (BIA 1996) (same). This position is particularly ironic, given that that Congress has passed laws stating that it is a federal

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crime to send someone from the United States to another country for FGM/C to be performed. *See* 18 U.S.C. § 116(d). This alone shows that the broad formulation of the Proposed Rules is too tenuous to stand because the Proposed Rules fail to take into account well-established policies that have been adopted by the U.S. government (and those that exist under international law) against FGM/C.

Further, claims based on slavery-type practices like those examined in *Bi Xia Qu v. Holder*, 618 F.3d 602, 607–08 (6th Cir. 2010) (women who are sold or forced into marriage and involuntary servitude), would likewise be eliminated as just another "interpersonal dispute". That is to say nothing about the large and well-established body of case law protecting women who are at risk of honor killing, which would be erased on the same grounds. *See, e.g., Sarhan v. Holder*, 658 F.3d 649 (7th Cir. 2011) (would-be victims of honor killing). Likewise, the murder, torture, beating, and killing of LGBTQ+ individuals, based only on their orientation, by non-state actors, like what happened in *Reyes-Reyes v. Ashcroft*, 384 F.3d 782 (9th Cir. 2004), would too be chalked up as interpersonal disputes or private criminal acts.

Sanctuary clients have time and time again relied on legally sound PSG formulations to flee to a place of safety and narrowly escape horrific violence. For example, one Sanctuary client received asylum based on the PSGs "Guatemalan Women" and "Guatemalan Women in Domestic Relationships." She had endured many years of severe physical, verbal, and sexual abuse at the hands of her partner. The abuse consistently worsened over the years and she had to watch as her husband terrorized their children. Because of community norms requiring women to behave as subordinates to their male partners, she was unable to escape the dire situation. Her partner, having made it clear to her that he would murder her if she ever returned to Guatemala, remains a threat to her safety. Since her asylum claim was granted, the client has been able to settle into a life of greater safety and security here in the United States. She has been able to receive counseling services and begin the process of healing from the trauma that was inflicted upon her.

Ms. K, another Sanctuary client who was granted asylum under gender-based PSGs— namely, "Indian Women Treated as Property" and "Mothers of Girls"—has been able to resettle safely in the United States because she was granted protection from abuse that was clearly

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and explicitly motivated by her membership in these groups. Even before her marriage could begin, she was treated as property by her husband and his family through the exchange of a dowry payment that they had deemed too low. They tried to force her family to pay a higher dowry and, when they did not succeed in obtaining the expected level of dowry, they transformed their anger into horrific violence and abuse against Ms. K. Further, Ms. K's becoming pregnant with and giving birth to a female child—whose low value was predetermined by her gender under cultural norms—caused Ms. K's husband and in-laws to further beat her. Because of the political power held by her husband's family, Ms. K was unable to escape them. Now, having obtained asylum in the United States, she has been able to seek counseling and begin the process of healing. She lives now in New York with her daughter, who will be given the opportunity to grow up without the violence of her father's family.

Circumstances under which the clients above received asylum are not rare. In addition to these claims making up a number of Sanctuary's own cases, since 2003, the number of precedential LGBT asylum cases has more than tripled, not to mention the number of cases for which appeal is waived or which are designated non-precedential. *See* Immigration Equality, Case Law: U.S. Asylum Law – Precedential LGBTQ/HIV+ Decisions (Updated June 3, 2020). According to UNICEF, FGM/C is still widespread in many African countries, and those claiming asylum on this basis represent far from "rare" circumstances. *See* Unicef, Female genital mutilation (FGM) (February 2020). Human trafficking and slavery remain common issues, as the Trump administration has acknowledged. *See* WhiteHouse.gov, Proclamation on National Slavery and Human Trafficking Prevention Month, 2020 (December 31, 2019). Therefore, the "rare exceptions" the government acknowledges would under any reasonable analysis become so numerous that exceptions that the rule would necessarily have to be swallowed by the exceptions. Practically speaking, this type of overbroad regulation neither increases efficiency nor induces clarity, and for this reason must be struck from any suggested changes to asylum law.

B. 8 CFR § 208.1(d); 8 CFR § 1208.1(d)—The Proposed Rules Redefine Political Opinion Contravening Long-Established Principles

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The Proposed Rules seek to redefine "political opinion" as one "expressed by or imputed to an applicant in which the applicant possesses an ideal or conviction in support of the furtherance of a discrete cause related to political control of a state or a unit thereof." However, this formulation is beset by the same problems as the Departments' legal analysis of PSGs. The law is unsupportive of a number of the Departments' claims. Moreover, the practical considerations surrounding the formulation of political opinion make it obvious that this formulation does not account for the reality of the culture and political landscape in which asylum seekers exist.

1. *Hernandez-Chacon Did Not Create a Circuit Split*

In supporting its narrowed definition of political opinion, the Departments rely on the supposed problem of a circuit split on this issue. However, what the Departments try to describe as a circuit split is not a circuit split at all. *Compare Alvarez Lagos v. Barr*, 927 F.3d 236, 254–255 (4th Cir. 2019), and *Hernandez-Chacon v. Barr*, 948 F.3d 94, 104 (2d Cir. 2020) with *Saldarriaga v. Gonzales*, 402 F.3d 461, 467 (4th Cir. 2005). The Second and Fourth Circuits have indeed uniformly applied the statutory framework.

Both *Alvarez Lagos* and *Hernandez-Chacon* dealt with similar claims: those of women seeking protection from an imputed political opinion based on an opposition to male-dominated social norms, one in El Salvador and one in Honduras. In *Alvarez Lagos,* decided after *Saldarriaga*, and without referencing that decision at all, the Fourth Circuit remanded the applicant's case to the immigration judge to evaluate whether she had stated a claim for an imputed anti-gang political opinion. Thus, the Fourth Circuit did not rule that an imputed anti-gang political opinion could not be established: in fact, that question was remanded to the BIA, with the instructions that the BIA "on this fourth attempt," "address Alvarez Lagos's claims fully and with attention to all of the relevant evidence, avoiding any recurrence of the errors we have identified." *Alvarez*, 927 F.3d at 254–255 (4th Cir. 2019). *Hernandez-Chacon* reviewed a very similar argument, and likewise held that the BIA did not adequately consider Hernandez-Chacon's imputed political opinion claim. *Hernandez-Chacon*, 948 F.3d at 105. These are far from the circumstances in *Saldarriaga*, where the Fourth Circuit made no examination of imputed political opinion at all and thus of course would not apply the same framework as the imputed claims in

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Alvarez Lagos and *Hernandez-Chacon.* Thus, there is no difference in the application of this framework, despite the Departments' contentions.

2. *The Proposed Rules Misinterpret* Matter of S-P-

The Proposed Rules cite *Matter of S-P-*, 21 I&N Dec. 486 (BIA 1996), as support for the statement that, "BIA case law makes clear that a political opinion involves a cause against a state or a political entity rather than against a culture." This is not, in fact, what *Matter of S-P-* says. There, the BIA required an applicant to demonstrate that his political views "were antithetical to those of the government" in order to make out a political opinion claim. But the Departments read too much into that definition: "antithetical to those of the government" does not support the notion that such opinion must be directly related to political or state control. Similarly, the Proposed Rules cites the 2019 UNHCR Handbook for the same proposition, but this analysis is even more blatantly misleading. The Handbook, in fact, merely notes that "political opinion" must entail "[h]olding political opinions different from those of the Government." Thus, the Departments' interpretation holds no water and cannot support its contentions about what political opinion actually means.

3. *Settled Case Law Illustrates That Political Opinion Encompasses Feminist Views*

There is well-established case law on the expansive definition of political opinion as including feminist views. Courts have recognized that a woman's resistance to male domination and oppression—or feminism—can constitute an expression of political opinion. *See, e.g., Fatin v. INS*, 12 F.3d 1233, 1242 (3d Cir. 1993) ("[W]e have little doubt that feminism qualifies as a political opinion within the meaning of the relevant statutes."); *Lazo-Majano v. INS*, 813 F.2d 1432, 1435 (9th Cir. 1987) (granting asylum to a woman who asserted her political opinion by failing to accept without rebellion her persecutor's belief that a man has the right to dominate), *overruled on other grounds*; *Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996); *A-C-A-A-, AXXX XXX 222* (BIA 2019) ("Respondent expressed her belief in the equality of men and women, including equality in opinions, worth, and support; she also believes that as a woman, she has the right to work. The Court finds Respondent's views constitute a political opinion.").

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Many Sanctuary clients who have had strong and enduring political opinions have been women whose lives may not have presented them with the opportunity to engage in political action that could be qualified as "expressive behavior" under the Proposed Rules. Beginning in the earliest stages of their lives, these women began forming their opinions within the context of a broad denial of their rights, during which time they were consistently excluded from the institutions that should have provided them with a platform to express their political voices.

For example, one Sanctuary client, a Honduran woman, began to develop her political opinions as a young child. She recalls watching her mother do anything her father told her to without question and vowing to herself that she would not live that way. She decided that if this was the way wives had to behave, she would never marry. Later, when she was 12 years old and her father told her she would no longer be allowed to go to school, she argued with him, expressing what was by then a deeply held belief that women should be given the same opportunities as men. In an effort to assert her beliefs, she left her home that same year to find work. Without resources or education, she could not engage in the "expressive behaviors" outlined in the Proposed Rules, but she could make choices that reflected her beliefs in the equality that should exist between men and women, and she could try to live in a way that more fully aligned with her political principles.

For another Sanctuary client, small acts of rebellion ranging from the decision to wear makeup and clothes that increased her personal confidence to moving away from her small town to live and work independently in a larger city took on a deeper political significance. These deviations from the norms of what was expected of women allowed the client, a Honduran woman, to assert her independence, a desire that must be considered as political in the context of the prevailing culture in which subordination and obedience of women were required. In this client's situation, her abuser became more violent each time she tried to assert the independence she believed women were entitled to. He beat her and he raped her whenever she tried to defy the subservient role the men in her life believed she should assume. For a woman who faced unbelievable violence for trying even to wear the clothes she wanted to wear, who was forced to ask permission even to leave the house to purchase groceries, political protests and other "expressive behaviors" simply would not have been an option.

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This pattern holds true for yet another Sanctuary client who, using her own savings, started a small business selling cosmetics, shoes, and clothes. She started the business as a conscious effort to chart a path to financial independence so she would not be forced to rely on a man for resources. Later, her partner began working with her and helping her to grow her business. However, over time, he began to resent his wife's financial independence and saw it as a threat to his position as the family's patriarch in the context of Guatemala's gendered norms. He began to abuse her and, as she worked to hold onto her hard-earned independence, the abuse worsened. Her staunch refusal to give up control of the business she had worked so hard to build was in and of itself a political act. As if in acknowledgment of this reality, the client's partner became further enraged by her refusal to give him control of their business when she publicly refused to play the role of obedient wife. By standing her ground as the owner of her business, the client was implicitly asserting her political opinion.

The Proposed Rules therefore fail to acknowledge both the case law and context around women expressing political opinions, and should therefore be withdrawn.

4. *This Definition of Political Opinion Is Designed to Exclude Feminism or Anti-Gang Sentiments from Asylum Law*

The reason that feminist and anti-machismo political opinions need to be preserved for asylum protection is because machismo is baked into the power structure of the country in question. If we step back to examine what feminism means, we can understand it as a generalized collective identity that places value on challenging gender hierarchy and changing women's social status. For women living in a violent context, the personal is undoubtedly political.

Repression of women does not merely affect personal relationships, but rather extends to institutions and government and the hierarchy of power. This is obvious in countries that still require a father or husband to grant permission for a female to travel outside of the country, or that codify personal status laws that give women less in inheritance after a parent passes away. *See* World Bank Group, Achieving Universal Access to ID: Gender-based Legal Barriers Against Women and Good Practice Reforms (2019); World Bank Group,

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Women, Business and the Law 2019 (2019). This machismo, whether on a personal level or on an institutional level, supports and perpetuates this existing power structure and so even the personal micro-resistance to that system is a political statement. Each demand for equality or fairness, regardless of how small, is an attack on the male-dominated status quo that is designed and perpetuated by the male-dominated government.

Asylum applicants need not be part of some larger feminist movement to be expressing a political opinion. That she challenges the established gender hierarchy in quotidian ways does not mean that a woman's actions become devoid of political meaning. Instead, those actions are properly viewed as attempts at chipping away at the repressive behemoth of institutional inequality that is baked into her everyday life.

Nothing illustrates this better than a carve-out that appears for "a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program," who will be deemed to have been persecuted on account of political opinion. The carve-out does not appear to treat this differently if the persecution was carried out by a state or a non-state actor. However, either way, deciding what a woman can and cannot do with her body is fundamental to discussions about feminism and personal rights. It encompasses both the right to have children as well as the right not to; either way, the question is what rights a woman has to her own body. This was a foundational tenet of women's liberation in the 1960s, a movement that was undoubtedly political at the time and undoubtedly continues to be. The fact that the Departments preserve the political opinion claim of one side of this movement (the right to have children for those who are sterilized without wanting to be) but not the other side (the traditionally feminist right not to have children if she wants) shows that this carve-out cannot rationally be maintained. The carve-out is therefore arbitrary and shows that this definition of political opinion cannot stand.

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5. *The New Definition of Expressive Behavior Ignores Realities of Non-State Actor Violence in Response to Normal Civic Behavior*

Additionally problematic is the complete evisceration of what it means to express political behavior. Shockingly, the Proposed Rules argue that expressive behavior is not generally thought to encompass acts of personal civic responsibility such as voting, reporting a crime, or assisting law enforcement in an investigation, and that those activities, by themselves, would not support a claim based on an alleged fear of harm due to a political opinion. This is simply wrong and goes against not only well-established asylum case law, but also the principles of democracy that the United States has espoused, both in-country and abroad. Promoting democratic institutions, processes, and values has long been a U.S. foreign policy objective, including election support in Afghanistan and law enforcement reform in Ukraine. *See* Congressional Research Service, Democracy Promotion: An Objective of U.S. Foreign Assistance (2019).

However, these long-standing policies cannot be reconciled with the Proposed Rules. The Proposed Rules illogically and dangerously ignore a fundamental premise: in order to express a political opinion about "an ideal or conviction in support of the furtherance of a discrete cause related to political control of a state," there must be a threshold existence of a system that allows space for the same. Thus, an opinion about something that may seem broad, like an opinion that voting itself is a fundamental right, is a necessary precursor to supporting a particular cause democratically in that election.

Moreover, equating voting, reporting a crime, or assisting law enforcement with completely safe behavior that does not warrant asylum protection is nonsensical. One need only to look to the Department of State's Country Reports on Human Rights Practices to see evidence of political opinions that would no longer qualify, despite the U.S. government's acknowledgement of the dangers that exist. *See* U.S. Department of State, Country Reports on Human Rights Practices (2019). For example, attempts to exercise the right to vote in Afghanistan were rewarded with the Taliban's deliberate campaign of violence and intimidation on polling centers located in schools and health facilities during the last presidential election, making the act of exercising the right to vote (regardless of candidate or support of a

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discrete cause) deadly. *See* U.S. Department of State, Country Reports on Human Rights Practices: Afghanistan (2019). Expression of an opinion in support of the rule of law in Belize is a non-starter: the rate of acquittals and cases withdrawn by the prosecution due to insufficient evidence continues to be high, particularly for sexual offenses, murder, and gang related cases. These actions were often due to the failure of witnesses to testify because of fear for life and personal safety, and illustrates that cooperation with law enforcement itself is a risk. *See* U.S. Department of State, Country Reports on Human Rights Practices: Belize (2019). In other countries, like Ukraine, violent radical groups beat a defendant outside of a courtroom, making even attending court dangerous. *See* U.S. Department of State, Country Reports on Human Rights Practices: Ukraine (2019).

Further, the Proposed Rules fail to consider the reality that many non-state actors around the world exert significant control over neighborhoods and regions of the country. In Honduras, for example, organized-criminal elements, including drug traffickers and local and transnational gangs including MS-13 and the 18th Street gang, committed killings, extortion, kidnappings, human trafficking, and intimidation of police, prosecutors, journalists, women, and human rights defenders, rendering the very act of doing anything to promote the rule of law punishable by death. *See* U.S. Department of State, Country Reports on Human Rights Practices: Honduras (2019). In such situations, state actors are unable and often unwilling to intervene to protect voters or those who witness or report crimes or assist law enforcement. Thus, the threshold opinion, namely the opinion that people should participate in democratic and civic institutions, is the opinion that must be protected before any other opinions have the space to exist. As such, they should be protected.

The Departments are either completely naïve regarding the goings-on that other United States agencies have documented, or they willfully ignore the broad group of individuals from numerous different countries who are attempting to uphold the rule of law despite the specter of threats or actual violence. If America is to continue to be a bastion of support for democracy and the rule of law, it must continue to be a haven for those who try to support those same ideals.

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6. The Narrowness of the New Definition of Political Opinion Is Short-Sighted and Conflates Political Opinion with Supporting Politicians or Parties

The Proposed Rules suggest that a political opinion must be "an ideal or conviction in support of or in furtherance of a discrete cause related to political control of a state or a unit thereof." However, as a practical matter, one need not even stretch the imagination to generate examples of political opinions that do not relate to political control of a state or unit thereof. There is no better illustration than the sharply polarized nature of American politics. Political opinion is something much more than traditional electoral or partisan politics. For example, union organizing, standing up to racism and xenophobia, expressions about what the right to life means, opining on whether or not everyone should have a gun—all considered expressions of political opinion. All of these things are political because they have political meaning in the context of this country. But one could believe any of these things and choose not to endorse any candidate for president, for example, because it could be that there is no politician or political party that frames an individual's exact belief. That does not make the belief not political—it just makes it not about a candidate or a political party. Saying that a person must be supporting a candidate or political party in order to be engaged in something political simply does not make sense. For these additional reasons, the Proposed Rules should be withdrawn.

C. 8 CFR § 208.1(e); 8 CFR § 1208.1(e)—The Proposed Rules Narrowly Define Persecution, Impermissibly Altering the Accepted Definition.

Persecution is something a government does, either directly or by abetting (and thus becoming responsible for) private discrimination by throwing in its lot with the deeds, or by providing protection so ineffectual that it becomes a sensible inference that the government sponsors the misconduct. *See* 8 U.S.C. § 1101(a)(42)(A). However, the Proposed Rules state that persecution is an extreme concept of a severe level of harm. This has no basis in the law of asylum, and attempting to impose the strictures of "severe" harm is yet another example of the arbitrary lines the Proposed Rules draw.

Case law throughout the circuits has expansively defined persecution to include a range of harm in degree and in kind. The U.S.

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Court of Appeals for the Ninth Circuit has defined "persecution" as "infliction of suffering or harm upon those who differ … in a way regarded as offensive" and "oppression which is inflicted on groups or individuals because of a difference that the persecutor will not tolerate." *See Kovac v. INS*, 407 F.2d 102, 107 (9th Cir. 1969); *Hernandez-Ortiz v. INS*, 777 F.2d 509, 516 (9th Cir. 1985). Such harm could include severe economic deprivation. *Id.* Similarly, the Seventh Circuit described persecution as "punishment or the infliction of harm for political, religious, or other reasons that this country does not recognize as legitimate." *Tamas-Mercea v. Reno*, 222 F.3d 417, 424 (7th Cir. 2000). The First Circuit has described persecution as an experience that "must rise above unpleasantness, harassment and even basic suffering." *Nelson v. INS*, 232 F.3d 258, 263 (1st Cir. 2000). There is no requirement anywhere in asylum law of any circuit that requires that an individual suffer "serious injuries" or "severe harm" to be found to have suffered persecution.

More alarming is the Department's contention that persecution "does not include intermittent harassment, including brief detentions; threats with no actual effort to carry out the threats…" This is an incredibly dangerous formulation from a practical perspective, and would be for many of Sanctuary's clients. First, the attempt to disqualify threats as persecution is not well founded in immigration law. In fact, it has long been held that "a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution." *Matter of Laipenieks*, 18 I&N Dec. 433, 457 (BIA 1983); *see also, e.g., Kaiser v. Ashcroft*, 390 F.3d 653, 658 (9th Cir. 2004) ("Threats on one's life, within a context of political and social turmoil or violence, have long been held sufficient to satisfy a petitioner's burden of showing an objective basis for fear of persecution."). Requiring individuals to wait until the actions they are complaining about are "exigent" does not take into account the unpredictability that accompanies the situations from which individuals are attempting to flee. Circumstances may change with the wind, opportunities for flight may be few and far between, and it is well known that a person cannot predict the actions of an irrational actor. In the majority of cases, what a persecutor may do next is completely unknown to the individual and, even if the action is known, the timing may not be easily predictable. Thus, asking an imperiled individual to wait until a sword is mid-swing to leave is not only completely unrealistic, it is also contrary to the protective essence of asylum law.

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Further, this formulation of persecution discounts the instructions, both from the BIA and from federal circuit courts, that harm is to be reviewed cumulatively. It is well-established that the cumulative effect of harms and abuses that might not individually rise to the level of persecution may support an asylum claim. *See, e.g., Korablina v. INS*, 158 F.3d 1038, 1044 (9th Cir. 1998) (finding persecution where a Ukrainian Jew witnessed violent attacks, and suffered extortion, harassment, and threats by anti-Semitic ultra-nationalists). The court "look[s] at the totality of the circumstances in deciding whether a finding of persecution is compelled." *Guo v. Ashcroft*, 361 F.3d 1194, 1203 (9th Cir. 2004) (finding persecution where Chinese Christian was arrested, detained twice, physically abused, and forced to renounce religion); *see also Guo v. Sessions*, 897 F.3d 1208, 1212–17 (9th Cir. 2018) (where the record was considered as a whole, it compelled the conclusion that petitioner suffered past religious persecution).

In addition, the Departments' definition of "severe harm" in the Proposed Rules injects a high amount of discretion into a term that is supposed to be easier to apply. It is clear that the analysis for persecution is necessarily extremely fact-dependent and fact-specific. By rigidly defining "persecution," the Proposed Rules undercut the necessary flexibility of the current framework and will erroneously deny asylum protection to bona fide asylum seekers. For example, as the law of asylum recognizes, the same action against different people has different effects.

It has been well-established that persecution can "come[ ] in many forms," including physical, economic, and emotional harm. *See Knezvic v. Ashcroft*, 367 F.3d 1206, 1211 (9th Cir. 2004). However, the Proposed Rules make no attempt to illustrate which types of harm will be considered sufficiently severe, or whether different types will be compared against each other. Under this formulation, rather than determining whether particular physical persecution is more "severe" than other physical persecution, physical persecution could be compared against emotional persecution, and the Departments could conclude that emotional persecution is not sufficiently severe. This comparison of apples to oranges would be used to winnow undesirable claims, limiting the individuals who would be able to prove the requisite level of persecution, and should not be countenanced.

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In addition, the Proposed Rules make no mention of how they would be applied where child applicants are concerned, or what level of severity must be proved in those cases. This is despite the fact that several federal circuits (and USCIS in its Children's Claims Training Module) have recognized that certain events, when perceived or endured by a child applicant, particularly when harm is caused to the child's family, may rise to the level of persecution where it would not have for an adult. *See, e.g., Jorge-Tzoc v. Gonzales*, 435 F.3d 146, 150 (2d Cir. 2006) (finding that where the applicant "was a child at the time of massacres and thus necessarily dependent on both his family and his community…This combination of circumstances [displacement - initially internal, resulting economic hardship, and viewing the bullet-ridden body of his cousin] could well constitute persecution to a small child totally dependent on his family and community"); *Hernandez-Ortiz v. Gonzales*, 496 F.3d 1042 (9th Cir. 2007) (finding that a "child's reaction to injuries to his family is different from an adult's. The child is part of the family, the wound to the family is personal, the trauma apt to be lasting… [I]njuries to a family must be considered in an asylum case where the events that form the basis of the past persecution claim were perceived when the petitioner was a child."). That is true even if the child has no present recollection of the events that constituted his persecution. *See Benyamin v. Holder*, 579 F.3d 970, 792 (9th Cir. 2009). Making no distinction in severity requirements between children and adults shows that the Proposed Rules are not well-founded.

D. 8 CFR § 208.1(f); 8 CFR § 1208.1(f)—The Proposed Rule Imposes a Laundry List of Anti-Asylum Measures under the Guise of "Nexus"

In order to be eligible for asylum, applicants must demonstrate that a protected characteristic was at least one central reason for their persecution. *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208, 211 (BIA 2007). Generally speaking, this requirement is established where evidence of country conditions show that prevailing social norms condone or permit the unlawful behavior. *See, e.g., Sarhan v. Holder*, 658 F.3d 649, 656 (7th Cir. 2011).

The Proposed Rules dramatically limit the methods of establishing a nexus and outline eight nonexhaustive situations in which the Secretary of Homeland Security and the Attorney General, in general, would not favorably adjudicate asylum or statutory withholding

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of removal claims based on persecution. This list, however, reflects not just a complete misunderstanding of the concept of nexus and conflation with the the concept of PSGs, but also a direct attack on immigrants fleeing gender-based violence.

The REAL ID Act of 2005, Pub. L. No. 109-113, 119 Stat. 231, created a new nexus standard, requiring that an applicant establish that "race, religion, nationality, membership in a particular social group, or political opinion was or will be ***at least one central reason*** for persecuting the applicant." 8 U.S.C. § 1158(b)(1)(B)(i). To demonstrate that a protected ground was "at least one central reason" for persecution, an applicant must prove that such ground was a cause of the persecutors' acts. *See, e.g., Parussimova v. Mukasey*, 555 F.3d 734, 741 (9th Cir. 2009). Moreover, the context in which persecution occurs is the central question adjudicators must consider when determining whether the persecution is on account of a protected ground, and the context is entirely separate from the ground itself. *See Sarhan v. Holder*, 658 F.3d 649, 656 (7th Cir. 2007) (looking to widely held social norms in Jordan to determine whether a threatened honor killing was connected to a protected ground); *Ndonyi v. Mukasey*, 541 F.3d 702, 711 (7th Cir. 2008); *De Brenner v. Ashcroft*, 388 F.3d 629, 638 (8th Cir. 2004); *Osorio v. INS*, 18 F.3d 1017, 1029 (2d Cir. 1994).

Thus, nexus concerns whether a person is persecuted "on account of" their group—not what groups can or cannot be persecuted. The question for the adjudicator is to determine the motive for the persecution and the circumstances surrounding it; in other words, why the individual was persecuted. Instead, the Departments focus their nexus restrictions not on the why, but on the group, and try to limit the why by limiting the who. By confusing nexus and PSGs with this new nonexhaustive list, the Departments' analysis unravels and defies the statutory definition that provides their mandate.

Many Sanctuary clients would be rendered ineligible by this proposed change. For example, a Guatemalan client who was granted asylum with Sanctuary's help and whose claim was based on the horrific abuse to which she was subjected at the hands of her partner, would not have been able to receive the protection she deserved. Her husband terrorized her and her children for years, escalating his abuse whenever she tried to exert her independence. His violence was a clear expression of his belief that he had claim of ownership over her and that

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she owed him obedience. However, because she would not be able to prove that he targeted the other women with whom he had relationships and because she was vulnerable to his violence as a result of her gender, the Proposed Rules would make it impossible for her to establish nexus.

In addition, the Proposed Rules seek to make clear that "pernicious cultural stereotypes have no place in the adjudication of applications for asylum and statutory withholding of removal, regardless of the basis of the claim." The Proposed Rules would bar consideration of evidence promoting cultural stereotypes of countries or individuals, including stereotypes related to race, religion, nationality, and gender, to the extent that the stereotypes are offered in support of an applicant's claim to show that a persecutor conformed to a cultural stereotype.

However, this broad prohibition overlooks who gets to decide whether a social norm is in fact an unfair and untrue belief in that country and what is a ubiquitous and complex cultural construct. Whether something is a stereotype or actual behavior that occurs is in and of itself a question that adjudicators already must examine when assessing country conditions. Barring the use of "stereotypes" only takes away the power of the adjudicator to decide what social norm is true and what is not, as categorically banning stereotypes does nothing to aid an adjudicator in determining what the social norms of a particular country actually are. Categorical bars on so-called stereotypes take away an adjudicator's ability to consider some of the most important objective evidence in an asylum claim—the societal norms informing the persecutor's intent, and also documentation of the prevalence of honor crimes, practice of forced marriage, tolerance or encouragement within a society of punishing women through domestic violence, rape, and more.

The importance of this type of evidence cannot be overstated. Courts have long recognized that persecution and the reasons for it cannot be considered "in a vacuum," but must be understood in the socio-cultural, legal, and political context in which it takes place. *Garcia-Martinez v. Ashcroft*, 371 F.3d 1066, 1075 (9th Cir. 2004); *see also Sarhan v. Holder*, 658 F.3d 649, 656 (7th Cir. 2011); *Al-Ghorbani v. Holder*, 585 F.3d 980, 998 (6th Cir. 2009); *Matter of S-P-,* 21 I&N Dec. 486, 495-96 (B.I.A. 1996). In *Sarhan v. Holder,* for example, applicant faced death because of a widely held social norm in Jordan—a norm

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that "impose[d] behavioral obligations on her and permit[ted] [her brother] to enforce them in the most drastic way." As the Court explained, there was a "complex cultural construct that entitle[d] male members of families dishonored by perceived bad acts of female relatives to kill those women…. Either way, he is killing her because society has deemed that this is a permissible—maybe in some eyes the only—correct course of action and the government has withdrawn its protection from the victims." Under the new formulation, this type of evidence would be categorically banned, despite the fact that understanding how men in Jordan view honor killings was crucial to showing the nexus in *Sarhan* and in numerous other cases.

Many of Sanctuary's clients suffer from abuse that can only be understood within the wider context of their cultural and societal surroundings. The normalization of certain patterns of abuse within a given cultural context protects abusers and renders them immune to most consequences. For example, many Sanctuary clients suffer domestic violence at the hands of abusers seeking to maintain their status as family patriarchs in a society that associates masculinity with dominance and femininity with subservience. In these circumstances, the abuser relies on the knowledge that not only will the people by whom he is surrounded agree with his belief system, but systems of authority such as law enforcement will not punish him for his behavior.

Many Sanctuary clients who have experienced horrific abuse at the hands of their partners have experienced that abuse in the context of a lifetime of victimization at the hands of men. For one Sanctuary client from Honduras, this began with her father and continued with her father's male coworkers, and then through three successive partners. Each of these men began their assaults on her in an effort to exert their ownership over her. When her father sexually assaulted her as a child, he explicitly told her that she belonged to him and that the assault was an expression of his ownership over her. In the abusive relationships in which she later found herself, her partners would lash out as a response to her assertions of independence, telling her that they were sexually assaulting her because she belonged to them. All of this abuse existed within the wider context of a culture that categorized women as property and men as their owners. Without an understanding of this structure, it is impossible to accurately understand the abuse she suffered.

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This pattern holds true for other women from similar circumstances. Another Honduran woman who became a Sanctuary client faced abuse at the hands of her father and husband whenever she tried to assert her autonomy in any form. She remembers watching her father abuse her mother for disobedience throughout her childhood. When her older sister married a man who beat her, the client's father told her sister to return to her husband where she belonged. Later, when the client sought refuge with her parents to get away from her own abusive husband, her father told her the same thing. Simply dressing in a way that did not please her husband or deciding to go out without permission would provoke his wrath. He would beat her *because* he did not want her to live independently of his control. These beatings were meant to force her to occupy a role that had been designed for her by a society that encouraged men to expect complete submission from women, and to enforce that submission through violent means.

For clients with different fact patterns, the importance of examining abuse within the context of wider societal realities remains. The abuse faced by a Ghanaian gay man who, with Sanctuary's help, was granted asylum in 2020, was the result of a widespread belief in Ghana that homosexuality is an unacceptable evil. This belief is entrenched in Ghanaian law and policy and enacted by the people by whom the client was surrounded in his home country. When his sexuality was discovered by his community, he was chased out of his village and threatened with death. He only narrowly escaped with his life. None of this violence could have come to pass without the wider societal context that allowed for the normalization of homophobia and hatred. By separating the violence from its context, a crucial piece of this client's story is lost.

This remains true for yet another client whom Sanctuary helped and who was granted asylum in 2020. This client, a gender-nonconforming individual from Russia, spent their formative years being abused by classmates and members of the community for failing to adhere to accepted structures of gender. They were born male but chose to wear clothes considered feminine and grow their hair long. As they are attracted to men, they were called by homophobic slurs and beaten by individuals who were motivated by homophobia. Although they sought help from the police, they were never protected. They spent much of their adult life enduring frequent assaults by strangers and being forced to move between jobs and apartments in order to avoid the

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wrath of coworkers and neighbors who would not tolerate their gender identity or sexuality. To fully understand the abuse this client suffered, it is absolutely crucial to contextualize it within the societal acceptance and encouragement of homophobia and transphobia

E. 8 CFR § 208.13(b)(3); 1208.16; 8 CFR § 208.13(b)(3); 1208.16—The Proposed Rules Redefine the Internal Relocation Standard, Greatly Increasing the Burden on Those Seeking Protection

The Departments propose to amend the regulations to presume that for applications in which the persecutor is not a government or government-sponsored actor, but rather a private actor, internal relocation would be reasonable unless the applicant demonstrates by a preponderance of the evidence that it would not be. This would be an almost insurmountable hurdle for most asylum seekers.

Currently, it is the government's burden to show that it was reasonable to expect an immigrant to move elsewhere in the country they are fleeing. *See* 8 C.F.R. § 208.13(b)(2)(ii); *Melkonian v. Ashcroft*, 320 F.3d 1061, 1070 (9th Cir. 2003) ("[T]he burden is on the INS to demonstrate by a preponderance of the evidence ... that the applicant can *reasonably* relocate internally to an area of safety."); *Bace v. Ashcroft*, 352 F.3d 1133, 1140 (7th Cir. 2003), *as modified on denial of reh'g* (Apr. 9, 2004) ("The IJ improperly placed the burden on the Baces to show that the dangerous conditions of former Albania persist").

However, there is no basis in the law for this change. The reason that this shifting of burden exists is because the internal relocation is the government's affirmative defense to asylum. According to Black's Law Dictionary, an affirmative defense is defined as an opposing party's "assertion of facts and arguments that, if true, will defeat the other party's claim," even if all of the other party's allegations are true. AFFIRMATIVE DEFENSE, BLACK'S LAW DICTIONARY (11th ed. 2019). Moreover, it is hornbook law that the opposing party "bears the burden of proving an affirmative defense." *Id.* Here, courts have made it clear that "a finding of a well-founded fear of persecution is negated if the applicant can avoid persecution by relocating to another part of his home country." *Munoz-Granados v. Barr*, 958 F.3d 402, 407 (5th Cir. 2020). Thus, internal relocation fits the framework of an affirmative defense and, as a result, the government should bear the burden of proof, not

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the asylum applicant. Even if everything an applicant says is true, if the government could negate the argument that asylum should be granted if it proves internal relocation is possible, then it is legally internal relocation qualifies an affirmative defense. Given this backdrop, it makes no sense from a legal perspective for the applicant to bear the burden of proving there is nowhere else he or she could go—that burden should remain on the government.

Moreover, in the case of many individuals who have suffered from persecution by private actors it is simply not the reality that they could simply go elsewhere, even if the actors are private. First, this entire scheme fails to consider the actual conditions in these countries for victims to escape and realistically survive elsewhere. Second, it ignores the infiltration of gangs into government and law enforcement.

For many women specifically who are survivors of domestic or gender-based violence, living alone as a woman in a strange place is completely unacceptable. For example, in Egypt, women who live alone face numerous challenges and the social stigmas that accompany same are impossible to escape, even when such things are not true. *See* Daily News Egypt, Women's Day: females' right to live independently in Egypt (March 10, 2019). Many have been denied access to education or other methods of skill-building and cannot support themselves alone because they have no work experience. *See* The World Bank, Girls' Education (Updated September 25, 2017). For those who do escape, many countries, like Honduras have a significant gap in support services for women facing violence that are limited to larger cities, leaving many women without access due to lack of public or other transportation. *See* Immigration and Refugee Board of Canada, Honduras: Information Gathering Mission Report (February 2018). These are the realities for many Sanctuary clients.

What is more, there are myriad examples of gang collusion with law enforcement, such that the distinction between private and public actors is not as clear as the Departments would make it out to be. For example, in addition to actual police corruption, acts of violence carried out by criminals impersonating police officers have become relatively commonplace in many countries like Honduras. For example, despite attempts to change the police uniforms in 2017, the OSAC Honduras 2019 Crime and Safety Report still noted that criminals often pose as Honduran law enforcement in fake checkpoints. *See* InSight Crime,

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Honduras to Combat Police Impersonation With New Uniforms (February 2, 2017); OSAC, Honduras 2019 Crime & Safety Report (April 4, 2019). It can be difficult to tell whether individuals are true but corrupt police officers, or gang members dressed up as police officers committing crimes. Thus, the Departments in fact suggest a false dichotomy, the application of which is sure to pose only more problems.

III. CONCLUSION

Sanctuary strongly opposes the Proposed Rules because they violate the existing statutory framework and mandate of the Departments to protect and provide fair process to asylum seekers. The shortened comment period is insufficient given the sweeping changes proposed, and the Proposed Rules constitute impermissible regulatory overreach. The constitutional concerns raised here are enough reason alone to reconsider the Proposed Rules.

As explained above, Proposed Rules will make it virtually impossible for populations that Sanctuary assists to prevail on a particular social group-based asylum claim, dangerously redefine political opinion in contravention of long-established principles, and narrowly define persecution to raise the quantum of harm that an asylum seeker would be required to show. Focusing on nexus restrictions not on the why of the persecution, but on the group being persecuted, conflates two parts of the test and confuses the law. Lastly, as a legal matter, the burden of proof for internal relocation should not be shifted from the government: as an affirmative defense, the burden is correctly allocated. For these reasons, as more fully explained above, the Departments should immediately rescind the Proposed Rules.

Thank you for considering these comments in response and opposition to the Proposed Rules. Please contact us to provide any

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additional information you might need. We look forward to your response.

Sincerely,

Sanctuary for Families

By: Pooja Asnani
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